

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
(Central Division)

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LARRY ZUBROD, Individually and as Administrator for the ESTATE OF MICHAEL ZUBROD and CHERYL ZUBROD, Individually and as Administrator for the ESTATE OF MICHAEL ZUBROD,

Plaintiffs,

vs.

SHAYNE HOCH, ISAAC SHORT, and JOHN SMITH, in each man's individual capacity as a Law Enforcement Officer for the Worth County Sheriff's Office; SHERIFF JAY LANGENBAU, in his individual capacity, and WORTH COUNTY, IOWA,

Defendants.

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Case No. 6:15-cv-02065-LRR

REPORT OF DANIEL J. SPITZ, M.D.  
REGARDING TASER USE ON  
DECEDENT MICHAEL ZUBROD



AFFIDAVIT OF DANIEL J. SPITZ, M.D.

Daniel Spitz, M.D. hereby declare as follows:

1. I am a forensic pathologist with board certification by the American Board of Pathology in Anatomic, Clinical and Forensic Pathology. I currently serve as the Chief Medical Examiner for Macomb and St. Clair Counties in Michigan. I have personally performed over 5000 autopsies.
2. I have the following relevant experience and credentials which are detailed in my curriculum vitae (see attached).
3. I have experience opining as to cause of death in persons subjected to an ECD prior to death. I have reviewed/participated in approximately 8-10 death cases in which the use of force included a TASER.
4. As a result of my training and professional experience, I possess the

requisite knowledge of medical causation to certify the cause of death in a variety of situations.

5. It is well-known that application of a TASER causes pain and loss of voluntary muscle control.

6. As a result of my experience, knowledge and training, it is my expert opinion that TASERs are capable of causing and contributing to death in persons who are under the influence of stimulants as was the circumstance in this case.

7. As a result of my experience, knowledge and training, it is my expert opinion that TASERs are capable of causing and contributing to death when persons are subjected to multiple and/or prolonged bursts of electrical current.

8. Based on my knowledge, experience, education and training, I believe Michael Zubrod's death was caused by multiple factors, one of which was the Defendant Officers' repeated discharge of their TASERs into the decedent. I base my opinion on the fact that TASERs can cause pain, physical stress, psychological stress and in some cases cardiac arrhythmias and respiratory compromise.

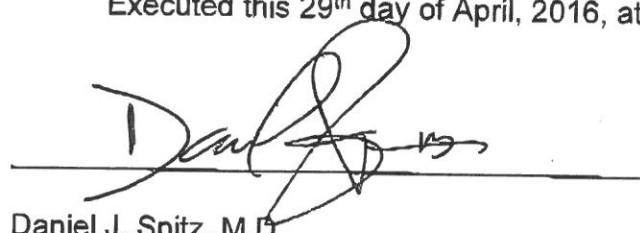
9. It is well known that a TASER discharge affects the breathing and heart rate of a subject which, when used repeatedly, can lead to detrimental health situations. Repeated and/or prolonged use of a TASER can result in respiratory distress by causing loss of normal muscular control.

10. I also base my opinion in this case, in part, on the conclusions reached by the State of Iowa Associate Medical Examiner, Dr. Jonathan Thompson, whose report indicates that the manner of death was homicide.

11. My opinion is further based on all of the cases in the public realm in which the application of a TASER was a causative or contributing factor in an individual's death, and on the hundreds of articles in the public domain linking TASER ECD exposure to an increased risk of death.

I declare under penalty of perjury, under the laws of the United States of America,  
that the foregoing is true and correct.

Executed this 29<sup>th</sup> day of April, 2016, at Clinton Township, Michigan.



A handwritten signature in black ink, appearing to read "Daniel J. Spitz, M.D.", is written over a horizontal line. The signature is fluid and cursive, with "Daniel J." on the left and "Spitz, M.D." on the right.

Daniel J. Spitz, M.D.